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REMARKS

In this non-final Office Action, claims 1-3, 5-10 and 12-26 are pending, of which claims 1-3, 5-10 and 12-26 stand rejected. By this amendment, claim 13 has been amended, and claims 1-3, 5-10, 12, and 14-26 continue unamended.

In view of both the amendments presented above and the following discussion, the applicants submit that none of the claims now pending in the application are obvious under the provision of 35 U.S.C. §103. Thus, the applicants believe that all of these claims are now in allowable form.

It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to applicants' subject matter recited in the pending claims. Further, applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

In the Specification:

The applicants have amended the specification to provide minor grammatical corrections. The applicants submit that such correction do not add any new subject matter.

REJECTIONS

35 U.S.C. 103

The Examiner has rejected claims 1-3, 5-10 and 12-26 under 35 U.S.C. 103(a) as being unpatentable over Slattery U.S. Patent No. 6,246,701 ("Slattery") in view of Gardner et al. U.S. Patent No. 6,327,275 ("Gardner"). The applicants respectfully traverse the rejection.

The applicants' independent claim 1 (and similarly Independent claims 7, 12, and 13) recites:

> "A method for processing a transport stream comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by periodically inserted time stamps, said method comprising:

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> modifying packets associated with a desired time slot of a received transport stream to produce an output transport stream; and
> transmitting said output transport stream; said transmitted output transport stream includes respective modified programs having said common time base indicated by said periodically inserted time stamps provided by said received transport stream, wherein a modified packet uses a matching time stamp of said received transport stream."

For prior art references to be combined to render obvious a subsequent invention under 35 U.S.C. §103, there must be something in the prior art as a whole which suggests the desirability, and thus the obviousness, of making the combination. Uniroyal v. Rudkin-Wiley, 5 U.S.P.Q.2d 1434, 1438 (Fed. Cir. 1988). Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

The Examiner contends that the combination of Slattery and Gardner discloses "the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream. The applicants respectfully disagree. In contrast to the above-quoted claim language, Slattery teaches that the time stamps (i.e., program clock references or PCRs) are restamped for the output transport stream. That is, the time base associated with the time stamps of the output transport stream is different than the time base associated with the time stamps of the received transport stream. This is a fundamental difference between the Slattery arrangement and the claimed invention.

Slattery teaches the PCR's of a transport stream are restamped. Specifically, Slattery discloses a PCR normalization process where the processor schedules each transport packet to be outputted in a time slot at a particular dispatch time, corresponding to a predetermined delay in the remultiplexer node. If the scheduled transport packet contains a PCR, the PCR is adjusted based on a drift of the local reference clock relative to the program of the system time clock from which the PCR was generated, as well as adjusting PCR time stamp based on a difference between

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the scheduled dispatch time of the transport packet and an actual time at which the time slot occurs relative to an external clock (see Slattery, Col. 7, lines 50-62). Therefore, the Slattery reference fails to teach or suggest the applicants' invention <u>as a whole</u>.

Furthermore, Gardner fails to bridge the substantial gap as between the Slattery reference and the applicants' invention. Rather, Gardner merely discloses packets to be discarded or retained may be identified by their PIDs. A PID select signal may be provided to the discard function 210 from a control interface 205 to indicate the PIDs of the packets which are to be discarded or retained. The discard function 210 may then examine the PID of each packet to determine if the packet is to be discarded or retained. This may be accomplished with a look-up table implemented in memory. If the packet is to be discarded, no data from the packet is output from the discard function 210. The discard function 210 outputs a retained data stream which comprises the retained packets of the received data stream (see, Garner, col. 6, lines 2-13). Gardner further discloses that for applications that require the remultiplexed data stream to have a constant bit rate, gaps in the process data streams caused by discarding of packets can be filled by data from the local data signal. That is, the local data signal, which may be obtained from local storage media, a video encoder, an audio encoder, or other data source, may be provided to the MUX 140 at a variable rate as necessary to provide the remultiplexed data stream at a constant bit rate (see, Garner, col. 5, lines 5-13).

Nowhere in the Gardner reference is there any teaching or suggestion that the modified packet uses a matching time stamp of the received transport stream. Rather, the Gardner reference merely discloses that the <u>PIDs</u> of the packets are used to discard or retain the specific packets in a stream.

Even if the references could somehow be operably combined, the references would merely disclose a PCR normalization process where the processor schedules each transport packet to be outputted in a time slotted at a particular dispatch time corresponding to a predetermined delay in the multiplexer node, and discarding or retaining packets based on the PIDs of the packets. Thus, neither reference, either

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singularly or in combination, teach or suggest "said slotted transport streaming including respective modified programs having said common time base indicated by said periodically inserted time stamps provided by said received transport stream, wherein a modified packet uses a matching time stamp of said received transport stream." Therefore, the combined references fail to teach or suggest the applicants' invention <u>as a whole</u>.

As such, the applicants submit that independent claim 1 is not obvious and fully satisfies the requirements under 35 U.S.C. §103 and is patentable thereunder. Likewise, independent claims 7, 12, and 13 recite similar limitations as recited in independent claim 1. As such, and at least for the same reasons discussed above, the applicants submit that these independent claims are also not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2, 3, 5, 6, 8-10, 11, and 14-26 respectively depend from independent claims 1, 7 and 13 and recite additional features thereof. As such, and for the same reasons as discussed above, the applicants submit that these dependent claims also are not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, the applicants respectively request that the rejections be withdrawn.

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CONCLUSION

Thus, the applicants submit that none of the claims presently in the application are obvious under the provision of 35 U.S.C. §103. Consequently, the applicants believe that all these claims are presently in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg, Esq. or Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

9/4/03

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